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8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 MARVIN CHARO COLLINS,

15 Defendant.  
16  
17

Case No. 1:24-cr-00255 JLT-SKO

ORDER FOR PSYCHIATRIC OR  
PSYCHOLOGICAL EXAMINATION  
PURSUANT TO 18 U.S.C. § 4241(b); TO  
VACATE TRIAL; AND TO EXCLUDE TIME

Judge: Hon. Jennifer L. Thurston

18 This matter came before this court for hearing on January 7, 2025. Based upon the  
19 representations of defense counsel there is reasonable cause to believe that the defendant may  
20 presently be suffering from a mental disease or defect rendering him mentally incompetent to the  
21 extent that he is unable to understand the nature and consequences of the proceedings against  
22 him or to assist properly in his defense.

23 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED**, pursuant to 18 U.S.C. §  
24 4241(b), that a psychiatric or psychological examination of Marvin Charo Collins shall be  
25 conducted and that a psychiatric or psychological report be filed with the Court pursuant to the  
26 provisions of 18 U.S.C. § 4247(b) and (c). Furthermore, the Court **ORDERS**:

27 1. The defendant is committed to the custody of the Attorney General for a  
28 reasonable period, but not to exceed thirty days. Unless impracticable, the psychiatric or

1 psychological examination shall be conducted in a suitable facility closest to the Court.

2 2. The director of the facility may apply for a reasonable extension, but not to  
3 exceed fifteen additional days, upon a showing of good cause that the additional time is  
4 necessary to observe and evaluate the defendant.

5 3. The psychiatric or psychological examination shall be conducted by a licensed or  
6 certified psychiatrist or psychologist or, if appropriate, by more than one such examiner.

7 4. The psychiatrists or psychologists at the designated facility are ordered to file a  
8 psychiatric or psychological report with the Court, with copies provided to counsel for the  
9 defendant and the attorney for the government. The report shall include the information required  
10 by 18 U.S.C. § 4247(c), to wit:

11 A. The defendant's history and present symptoms;

12 B. A description of the psychiatric, psychological, and medical tests that were  
13 employed and their results;

14 C. The examiner's findings; and

15 D. The examiner's opinion as to diagnosis, prognosis, and whether defendant  
16 is suffering from a mental disease or defect rendering him mentally incompetent to the  
17 extent that he is unable to understand the nature and consequences of the proceedings  
18 against him or to assist properly in his defense.

19 5. The defendant shall remain in custody through the completion of his examination.  
20 The parties shall promptly ask that these matters be calendared on the Court's next available date  
21 upon his release from the Bureau of Prisons back to the custody of the U.S. Marshal. Counsel for  
22 the parties shall next appear before the Court for a status conference on Friday, December 10,  
23 2021 at 9:30 am. If the parties determine that more time is necessary for the competency  
24 examination to conclude before this date, they may file a stipulation stating the reasons why this  
25 date should be continued.

26 7. The trial scheduled for January 28, 2025 is hereby vacated, and the period of  
27 delay from the December 23, 2024 filing of defendant's Motion to Determine Competency of  
28 Defendant and to Vacate Trial [Doc. 23] through the resolution of this motion to determine the

1 mental competency of the defendant shall be excluded for good cause pursuant to 18 U.S.C. §  
2 3161(h)(1)(A) and (D). Good cause exists for the vacatur of the trial date and continuance of a  
3 status conference, and time is further excluded as the ends of justice outweigh the interest of the  
4 public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

5  
6 IT IS SO ORDERED.

7 Dated: **January 8, 2025**

  
UNITED STATES DISTRICT JUDGE